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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Poland*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information about policy measures and legislation enacted to promote the rights of persons with disabilities following the ratification of the Convention. In this regard, please specify the extent to which the Convention has been promoted and mainstreamed across the Government, all regions, counties and municipalities and relevant sectors, including education, employment, health and justice, and the resources allocated to its implementation.

2. Please indicate whether any steps have been taken towards rectifying the existing omissions in the translation of the Convention. Please also indicate whether the State party intends to include organizations of persons with disabilities in this exercise.

3. Please indicate the steps taken towards aligning the definition and mechanisms of the determination of disability with the purpose (art. 1) and principles (art. 3) of the Convention.

4. Please indicate the degree and impact of consultations with organizations of persons with disabilities by the Office of the Government Plenipotentiary for Disabled People and other authorities. In this regard, please also indicate the extent to which organizations of persons with disabilities are involved in the design of new laws and strategies in order to ensure that legislation complies with the Convention and in monitoring and reporting on the implementation of the Sustainable Development Goals.

5. Please provide information about the training of professionals working with persons with disabilities on the rights enshrined in the Convention.

6. Please provide information on any steps taken towards eliminating derogatory terminology from all laws, policies and government discourse.

7. Please indicate whether any timeline has been established to lift the current reservations to the Convention or to adopt the Optional Protocol to the Convention.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

8. Please provide information about any steps taken towards elaborating and adopting comprehensive anti-discrimination legislation prohibiting discrimination, including intersectional discrimination, against persons with disabilities in all settings, by both public and private actors.

* Adopted by the pre-sessional working group at its ninth session (12–16 March 2018).

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9. Please elaborate on the mechanisms in place for persons with disabilities to complain about discrimination and whether and to what extent access to free and accessible legal aid is provided. Please provide comprehensive data on complaints of discrimination by persons with disabilities that have been brought before the courts, including details of the alleged violations and the outcomes of these cases.

10. Please provide information on any measures taken or envisaged to combat the intersectional discrimination faced by lesbian, gay, bisexual, transgender or intersex persons with disabilities. Please also indicate whether the State party has the intention of prohibiting so-called "conversion therapies".

Women with disabilities (art. 6)

11. Please provide information about the implementation of the recommendation by the Committee on the Elimination of Discrimination against Women (see CEDAW/C/POL/CO/7-8, para. 25 (b)) that the State party should adopt a comprehensive strategy aimed at preventing and eliminating all forms of violence against women, including women with disabilities. In this regard, please also indicate any measures taken to encourage women and girls with disabilities to report violence, including sexual violence, and to eliminate impunity for violence against women and girls with disabilities.

12. Please provide information about specific legislation, policies, programmes and strategies to ensure the realization of the rights of women and girls with disabilities and to foster their empowerment.

13. Please indicate the extent to which the requirements of women and girls with disabilities are mainstreamed both into gender equality and related policies and legislation and into disability rights policies and legislation.

Children with disabilities (art. 7)

14. Please indicate what measures have been taken to deinstitutionalize children, ensure their access to community care and prevent additional cases of institutionalization.

Awareness-raising (art. 8)

15. Please provide specific information on measures taken, including in collaboration with the education sector and the media, to promote a positive image of persons with disabilities and to eradicate misconceptions and stereotypes of such persons. Please also clarify whether hate speech against persons with disabilities is absolutely prohibited.

Accessibility (art. 9)

16. Please provide detailed information on (a) the legislative framework for accessibility through universal design, including penalties for its denial; and (b) the implementation of the relevant legislation and the mainstreaming of universal design and reasonable accommodation across all sectors.

17. Please provide information about the legislative framework for sign language and assistive technologies and about its implementation.

18. Please provide information on the accessibility of the websites of public institutions and of automated teller machines.

19. Please provide updated information on whether the Public Procurement Act imposes any obligations with regard to the accessibility of buildings and public environments.

Situations of risk and humanitarian emergencies (art. 11)

20. Please specify the extent to which evacuation plans for emergencies take into consideration specific types of impairment, including visual, hearing, intellectual, psychosocial and physical disabilities.

Equal recognition before the law (art. 12)

21. Please indicate any steps taken towards introducing the necessary legislative amendments to (a) ensure full restoration of the legal capacity of persons with disabilities; (b) prohibit any intervention by the State or family members before the courts to request that a person be declared "incapacitated"; and (c) develop, fully implement and adequately resource a system of supported decision-making mechanisms that will be in line with the Convention.

Access to justice (art. 13)

22. Please elaborate on the availability of procedural accommodation and the resources allocated to it.

23. Please provide information on any training provided to judges, prosecutors, lawyers and law enforcement personnel on the Convention.

Liberty and security of the person (art. 14)

24. Please indicate whether reasonable accommodation for all persons with disabilities is ensured in places of detention.

25. Please provide information about the numbers of persons with disabilities who are permanently placed in any type of institution without their consent and about measures taken to ensure the reintegration of persons with disabilities into their families and communities. Please also indicate whether the Mental Health Protection Act still allows for the admission of persons with disabilities to psychiatric hospitals without their consent.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

26. According to information before the Committee, a significant number of persons with psychosocial disabilities are put in prison for a certain amount of time because of their impairment, before placement in a psychiatric hospital. Please comment on this and indicate any measures envisaged to discontinue such placements.

Freedom from exploitation, violence and abuse (art. 16)

27. Please elaborate on (a) any independent monitoring mechanisms relating to violence against persons with disabilities; (b) what monitoring and intervention possibilities such mechanisms have; and (c) the funding of such mechanisms.

28. Please indicate what possibilities there are, such as sealed complaint boxes, for persons with disabilities living in institutions to report violence against them in a meaningful way.

29. Please provide statistical information on sentences imposed for violence against persons with disabilities.

Protecting the integrity of the person (art. 17)

30. Please provide updated information on whether legislative provisions allowing for medical intervention in the case of persons with psychosocial disabilities without their informed consent have been fully repealed.

Living independently and being included in the community (art. 19)

31. Please indicate the number of persons with disabilities in residential institutions, disaggregated by impairment, sex, ethnicity and age.

32. Please provide information about any steps taken or envisaged to deinstitutionalize all persons with disabilities currently living in institutions and ensure their independent life in the community, including the provision of adequate and high-quality personal assistance.

Personal mobility (art. 20)

33. Please indicate how access to high-quality mobility aids is ensured for persons with disabilities.

Freedom of expression and opinion, and access to information (art. 21)

34. Please provide information about the use and dissemination of Easy Read formats across all sectors of the population.

Respect for home and the family (art. 23)

35. Please indicate any steps taken towards the repeal of legislation denying persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities, the right to enter into marriage and to exercise family and parental rights.

36. Please provide information about specific measures taken to ensure support for parents with disabilities, including psychosocial disabilities.

37. Please provide information about any steps taken to amend the law to ensure that a parent caring for a child who receives a disability allowance is allowed to exercise a profession.

Education (art. 24)

38. Please elaborate on any strategy or action plan to ensure the transition by learners with disabilities from special to inclusive education.

39. Please provide information about the number and percentage of blind and deaf children and children with intellectual, psychosocial or physical disabilities in special schools and in special and mainstream classes in mainstream schools, and of children who receive home schooling.

40. Please provide information about the number and percentage of students with disabilities in vocational education and higher education schools.

Health (art. 25)

41. Please specify the measures taken to ensure the accessibility of health services, including the transport provided for persons with disabilities in rural areas, and the safeguards established to ensure that medical procedures on persons with disabilities are always carried out with their full and informed consent and that health and medical personnel are trained in the human rights approach to disability.

42. Please indicate the safeguards in place to ensure full access to sexual and reproductive rights by women and girls with disabilities.

Habilitation and rehabilitation (art. 26)

43. Please indicate the extent to which the legislative framework on habilitation and rehabilitation and its implementation is in compliance with the human rights model of disability.

Work and employment (art. 27)

44. Please provide the Committee with comprehensive data on the employment of persons with disabilities, disaggregated by sex, ethnicity, age, level of qualification, type of employment and level of salary, indicating whether it is public or private sector employment and whether it is in a segregated or an inclusive work environment.

45. Please provide information about specific incentives and measures to facilitate the employment of persons with disabilities in the open labour market.

Adequate standard of living and social protection (art. 28)

46. Please provide comprehensive data on persons with disabilities who are at risk of poverty. Please also specify the policies and measures adopted to eradicate poverty and improve the standard of living of persons with disabilities.

47. Please specify any measures designed to ensure access by persons with disabilities to public housing programmes.

Participation in political and public life (art. 29)

48. Please provide updated information about the accessibility of voting procedures and facilities and about the opportunity for all persons with disabilities, including those with psychosocial and/or intellectual disabilities, to vote independently.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

49. Please indicate any measures taken to develop the collection and analysis of disaggregated data on disability, in line with the Convention.

International cooperation (art. 32)

50. Please inform the Committee about the use of European Union structural funds for the deinstitutionalization of persons with disabilities when independent living in the community is made available to them.

51. Please provide information on the measures taken to ensure that persons with disabilities, through their respective organizations, participate at all stages of international cooperation development programmes, particularly in the implementation of the 2030 Agenda for Sustainable Development.

National implementation and monitoring (art. 33)

52. Please provide information about the authority and mandate of the Human Rights Defender to act as an independent monitoring mechanism for the implementation of the Convention, including information on the financial resources allocated, the diversity and skills of the human resources available and the involvement of organizations of persons with disabilities.